

Legislative Reference Service

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Week Ending 2/6/04

NO. 2

CODE ENFORCEMENT

H-7549 STATE BUILDING CODE (Lima & Others) This act would allow qualified cities and towns to retain certain levies imposed by the state building code. Corporations

S-2181 STATE BUILDING CODE – FEES (Lanzi & Others) This act would allow qualified cities and towns to retain certain levies imposed by the state building code. Finance

S-2288 MECHANICAL TRADES (Bates) This act would require mechanical contractors to adhere to Section 23-27.3-113.1 dealing with requirements for installation permits. Labor

EDUCATION & SCHOOLS

H-7344 DISRUPTIVE STUDENTS (Kilmartin) This act would give the board of regents for elementary and secondary education the authority to require parents of chronically disruptive students to attend conferences. Corporations

H-7348 CHILD OPPORTUNITY ZONE (COZ) FAMILY CENTER FUND (Moran & Others) This act would establish a child opportunity zone (COZ) family center fund and appropriate \$1,000,000 for the development of existing or new COZ family centers. Finance

H-7367 RESIDENCY OF CHILDREN (Amaral & Others) This act would amend the provisions of the general laws governing the establishment of residency of a child in a school district, and would also direct school districts to provide written notice to a child's parent/guardian in the event the district determines that the child is ineligible to attend school in that district due to a lack of residency. H.E.W.

H-7370 DIESEL BUS IDLING STANDARDS (McNamara & Others) This act would regulate the idle times of diesel powered buses and would establish fines for violations of the regulation. H.E.W.

H-7371 SCHOOL BUS IDLING (McNamara & Others) This act would provide that the operator of a school bus shall not operate the engine of any school bus for more than 3 consecutive minutes when the bus is not in motion. H.E.W.

H-7397 HABITUAL TRUANTS AND OFFENDERS (Winfield & Others) This act would set eligibility requirements for school attendance to obtain a driver's license for minor students. H.E.W.

H-7398 SCHOOL COMMITTEES (Giannini & Others) This act would require that school committees be elected. H.E.W.

H-7413 CHILD OPPORTUNITY ZONE (COZ) FAMILY CENTER FUND (Lewiss & Others) This act would establish a Child Opportunity Zone (COZ) Family Center Fund and appropriate one million dollars (\$1,000,000) for the development of existing or new COZ family centers. Finance

H-7446 COMPULSORY ATTENDANCE (Lima) This act would allow a school department to terminate a child's enrollment if the child is over 16 and under 18, the child fails to attend school, and a reasonable attempt has been made by a school department to contact the person having control of the child. H.E.W.

H-7447 KINDERGARTEN (Lima & Others) This act would establish the kindergarten plus incentive fund. This money would be used to fund summer instruction programs for pre-kindergarten and kindergarten students, and professional development programs for teachers. Finance

H-7448 ALTERNATIVE EDUCATION PROGRAM (Lima & Others) This act would provide funding of up to \$150,000 per school district (up to 4 districts) to establish alternative programs when students are chronically truant or suspended for more than 10 days. Finance

H-7464 STUDENT BUS PASSES (Slater & Others) This act would mandate that the public transit authority issue free bus passes to all public high school students. Corporations

H-7476 EDUCATIONAL RECORDS (Ajello & Others) This act would provide that the educational bill of rights would comply with the federal Buckley Act when releasing documents. H.E.W.

H-7489 SCHOOL BUSES (Jacquard & Others) This act would require that effective August 1, 2004, all school buses purchased for use in the state be equipped with safety belts for each passenger and operator seat, and would further require mandatory safety belt use by the school bus operator and each passenger. H.E.W.

H-7524 KINDERGARTEN (Winfield) This act would permit school districts to make exceptions and allow students who have not met the minimum age requirements to attend kindergarten, on a case-by-case basis. The act would also direct school departments to promulgate rules and regulations for determining how and when to make such exceptions, and would also allow, but would not require, school districts to obtain review of these rules and regulations from the Department of Education. Finance

H-7556 FAMILY INDEPENDENCE ACT (Brien) This act would require all students 16 years old or older who are receiving cash assistance to have no more than 10 unexcused absences per quarter to maintain eligibility. Finance

H-7559 SPECIAL EDUCATION (Reilly & Gorham) This act would require the state to assume the costs to the cities and towns for special education, starting with 10% of those costs the first year and 100% after 10 years. Finance

H-7561 EDUCATION TRUST FUND (Reilly) This act would create an education trust fund to be funded by lottery and/or gambling revenues to be distributed on a per student basis. Finance

H-7563 SAFE ROUTES TO SCHOOL (Dennigan & Others) This act would require that the Director of the Department of Transportation spend \$2,000,000 of federal highway construction funds on improving pedestrian routes and roads to our schools. Finance

H-7568 EXTRAORDINARY SERVICES (Story & Others) This act would provide for the reimbursement of extraordinary services to school districts. Finance

S-2184 EDUCATIONAL MANDATES (Raptakis & Others) This act would place restrictions on future educational mandates. Finance

S-2266 YOUTH APPRENTICESHIP TAX CREDIT (McCaffrey & Others) This act would provide an income tax credit to businesses which participate in a youth apprenticeship/work-based learning program not covered by federal statutes. Finance

S-2290 KINDERGARTEN (Gibbs & Others) This act would allow any city/town, in its discretion, to extend the implementation of the attendance eligibility requirement for kindergarten students to no later than school year 2007. Education

S-2291 RHODE ISLAND CONSTITUTION (Gallo) This act would provide that students in public schools would commence the school day with a recitation of the Preamble to the Rhode Island Constitution. Education

ELECTIONS

H-7428 LOCAL CANVASSING AUTHORITIES (Enos & Others) This act would allow officers and employees of a city/town to serve as a member of a local canvassing authority in a city/town where they are not employed. Corporations

S-2188 REGISTRATION OF VOTERS (Raptakis & Others) This act would reduce the waiting period required for disaffiliation from a political party from 90 days to 29 days. Judiciary

ENVIRONMENT

H-7589 AGRICULTURAL FUNCTIONS (Trillo & Others) This act would provide that all quasi-public agencies shall be subject to the provisions of the general laws pertaining to agricultural functions of the Department of Environmental Management, and would require that an additional public hearing be held in the city/town where the proposed wetland alteration is proposed. Environment & Natural Resources

FINANCE & TAXATION

H-7347 HOTEL TAX FUNDS (Aubin & Others) House resolution respectfully requesting the Governor of the State of Rhode Island to oppose recommendations from GACT in regard to reallocation of hotel lodging funds and the creation of a statewide tourism organization. Finance

H-7351 STATE AID (Aubin & Others) This act would repeal "Adjustments to Tax Levy" when computing state aid. Finance

H-7440 UNFUNDED PENSION LIABILITY (Lima & Cerra) This act would require every city and town to set aside 2% of its operating budget to help offset its unfunded pension liability. Corporations

H-7520 VIDEO LOTTERY TERMINAL RECEIPTS (Moffitt & Others) This act would require 1% of video lottery terminal receipts to be paid to the permanent school fund annually. Finance

H-7543 AIRPORT EXPANSION PROPERTY TAX IMPACT STUDY (McNamara & Others) This act would direct the Rhode Island Airport Corporation to conduct a study analyzing the impact of airport expansion on real property values. Corporations

S-2176 MUNICIPAL TAX LIEN CERTIFICATES (Tassoni & Fogarty) This act would increase from \$12 to \$25 the fee that a city/town may charge for a municipal tax lien certificate. Commerce, Housing & Municipal Government

S-2179 LOCAL MEALS AND BEVERAGE TAX (Raptakis & Others) This act would repeal the 2003 additional 1% sales tax on meals and/or beverages sold in or from an eating and/or drinking establishment. Finance

S-2216 INDEBTEDNESS OF TOWNS AND CITIES (Bates & Others) This act would clarify and expand the criteria for the issuance of bonds for cities and towns. Finance

S-2264 STATE AID (Fogarty & Others) This act would repeal "Adjustments to Tax Levy" when computing state aid. Finance

LABOR RELATIONS

S-2200 UNFAIR LABOR PRACTICES (McBurney) This act would establish the labor relations board's ability to prevent unfair labor practices, notwithstanding the election of remedies doctrine or remedies in contracts including grievance procedures or arbitrations. Labor

S-2201 ARBITRATION OF LABOR CONTROVERSIES (McBurney) This act would prohibit vacating an arbitrator's award due to conflict with managerial duties or statutory authority. Labor

S-2202 DEFINITION OF EMPLOYEE (McBurney) This act would include individuals below top level supervisory or managerial positions within the definition of "employee" under the state "Labor Relations Act". Labor

S-2286 FIREFIGHTERS' ARBITRATION (Lanzi & Others) This act would provide that all-contractual benefits conferred under an existing contract would continue until a new agreement is reached through arbitration or by agreement between the parties. Labor

LIQUOR CONTROL & LICENSES

H-7418 SUNDAY SALE OF ALCOHOLIC BEVERAGES (Brien & Others) This act would allow towns and cities to permit package stores to sell alcoholic beverages on Sundays. Corporations

H-7419 SALES ON SUNDAYS AND HOLIDAYS (SanBento & Others) This act would permit the sale of alcoholic beverages by liquor stores on Sundays. Corporations

H-7421 ALCOHOLIC BEVERAGES – REGULATION OF SALES (Malik & Others) This act would amend the penalties for those persons over the age of 21 who supply alcoholic beverages to those persons under the age of 21. It would also establish exceptions when the alcoholic beverage is either supplied by a parent or guardian to his/her child or ward or is used for religious purposes. Corporations

H-7460 HOLIDAY BUSINESS (Lima) This act would permit cities and towns to issue licenses to retail establishments on Thanksgiving in the same manner as other holidays. Corporations

H-7461 CLASS A LIQUOR LICENSES (Flaherty & Williamson) This act would expand the list of items which can be sold at a Class A alcoholic beverage licensed store. Corporations

H-7501 ALCOHOLIC BEVERAGES – LICENSES (Flaherty & Williamson) This act would delete the subsection dealing with issuance of licenses to individuals or corporations not authorized to transact business in this state. Corporations

S-2221 RETAIL LIQUOR LICENSES (Badeau) This act would give cities and towns a discretionary fee range for Classes A, B, B-H, and E retail liquor licenses. Finance

S-2232 HOLIDAY BUSINESS (Walaska) This act would permit cities and towns to issue licenses to retail establishments on Thanksgiving in the same manner as other holidays. Labor

PLANNING & ZONING

H-7356 LOW AND MODERATE INCOME HOUSING (Aubin & Others) This act would provide for a single application for a special exception, instead of the former comprehensive permit, when constructing low/moderate income housing. Corporations

H-7357 LOW/MODERATE INCOME HOUSING (Aubin & Others) This act would provide an 18-month moratorium from the date of passage for all for-profit and non-profit

developers on all single application comprehensive permits for low-income housing. Corporations

H-7392 HOUSING APPEALS BOARD (Petrarca & McHugh) This act would make changes to the membership of the Housing Appeals Board. Judiciary

H-7422 LOW AND MODERATE INCOME HOUSING (Petrarca & McHugh) This act would require that every city/town in the state develop plans to comply with the 10% requirements for low/moderate income housing within 1 year of the effective date of the act, and would provide for a single 1-year extension within which to comply. This act would also impose a 2-year moratorium on for-profit applications for the construction of low/moderate income housing, and would disqualify applications involving units for sale from the rental unit exemption. Corporations

H-7437 LOW AND MODERATE INCOME HOUSING (Menard & Others) This act would impose a moratorium on the use of comprehensive permit applications by for-profit developers for low and moderate income housing, which moratorium would be in effect until January 31, 2005. Read & Passed

H-7482 LOW AND MODERATE INCOME HOUSING (Gorham & Others) This act would allow a developer to apply for a special exception to build low/moderate income housing before the zoning board of review in lieu of separate applications to applicable local boards. The procedure would only be available to private developers if their proposals remain as rental housing for a period of 30 years. Corporations

H-7532 LOW AND MODERATE INCOME HOUSING (Reilly & Others) This act would remove the provisions of the general laws which were enacted in 2002 to streamline the process and procedure for approval of construction of low/moderate income housing by private developers. Corporations

H-7537 ECONOMIC DEVELOPMENT CORPORATION (Trillo & Others) This act would mandate that the Economic Development Corporation develop a master plan subject to local approval if land use action is planned at the perimeter of state airports. Corporations

S-2174 DEVELOPMENT IMPACT FEES (Raptakis & Others) This act would allow cities and towns to assess an impact fee for the impact on education resulting from low/moderate income housing construction. Commerce, Housing & Municipal Government

S-2182 DEVELOPMENT IMPACT FEES – HOUSING BONUS (Raptakis & Others) This act would provide a housing bonus to school districts to offset increased education

expenses resulting from the development of low/moderate income housing units. The amount of the bonus would be in the amount of \$1,250 each such unit. The act would also allow cities and towns to assess an impact fee for the impact on education resulting from low/moderate income housing construction. Finance

S-2208 LOW AND MODERATE INCOME HOUSING (Tassoni & Others) This act would place a moratorium on private builders from submitting applications for comprehensive permits to zoning boards of review to build low/moderate income housing. Commerce, Housing & Municipal Government

S-2272 LOW AND MODERATE INCOME HOUSING (Celona) This act would remove the provisions of the general laws which were enacted in 2002 to streamline the process and procedure for approval of construction of low/moderate income housing by private developers. This act would also prohibit the Rhode Island Housing and Mortgage Finance Corporation from issuing letters of eligibility to for-profit developers for any such construction. Commerce, Housing & Municipal Government

S-2276 LOW INCOME HOUSING (Polisena & Others) This act would prevent local zoning boards of review, previously authorized to make expedited decisions on low/moderate income housing proposals, from making decisions on new or pending proposals until January 31, 2005. Commerce, Housing & Municipal Government

PUBLIC SAFETY

H-7353 ANNUITIES TO DEPENDENTS (Laroche & Others) This act would increase deceased fire fighters' annuities. Corporations

H-7360 ADJUDICATION OF TRAFFIC OFFENSES (McNamara & Ginaitt) This act would fund comprehensive in-state services for individuals with traumatic brain injury by assessing an additional penalty of an additional \$10 for all speeding violations. Judiciary

H-7363 CONTROLLED SUBSTANCES OR FIREARMS (Shavers & Others) This act would add public housing facilities, boys and girls clubs, YMCA's and YWCA's to the enhanced penalty statutes regarding possession, manufacture and distribution of controlled substances, and possession of firearms and other weapons near schools. This act would also expand the application of the enhanced penalty statute regarding firearms and other weapons to include the area within 300 yards of school grounds and other designated locations. Judiciary

H-7365 SECOND-HAND DEALERS (Laroche & Others) This act would hold second-hand dealers to the same statutory standard as that which is imposed on pawnbrokers. Judiciary

H-7368 DOMESTIC ABUSE (Giannini & Others) This act would add the surrender of all firearms in a person's possession, care, custody, or control to the local police department to the list of protective orders pursuant to a complaint filed due to domestic abuse. H.E.W.

H-7369 DOMESTIC ASSAULT (Giannini & Others) This act would add the surrender of all firearms in a person's care, custody, or control to the local police department to the list of protective orders pursuant to a complaint filed due to domestic abuse. H.E.W.

H-7372 PUBLIC ACCESS DEFIBRILLATION (McNamara & Others) This act would mandate that the Department of Health purchase and distribute automated external defibrillators to municipally-operated senior citizen centers, and to provide training in cardiopulmonary resuscitation and automated external defibrillator use. H.E.W.

H-7396 IMMIGRATION STATUS PROTECTION ACT (Tejada & Others) This act would restrict state and local law enforcement from ascertaining a person's immigration status. Judiciary

H-7431 LAW ENFORCEMENT CANDIDATES (Shanley) This act would require a minimum of 60 credit hours from an accredited college or university and/or 2 years equivalent experience in law enforcement or the military as a prerequisite for enrollment in the state or municipal police training academy. Corporations

H-7452 DRIVING UNDER THE INFLUENCE (McNamara & Others) This act would allow a peace officer to request a search warrant which would allow the taking of blood, breath or urine, or performance of a chemical test if probable cause exists to believe that an individual has been driving under the influence of intoxicating liquor or narcotics. Judiciary

H-7484 TAX SALES (SanBento & Others) This act would amend certain provisions relative to tax sales. Judiciary

H-7486 UNIFORMED CONTROLLED SUBSTANCES (Jacquard & Others) This act would extend forfeiture proceedings to cases involving counterfeit and/or designer drugs. Judiciary

H-7522 MOTOR FUEL TAX (Enos & Others) This act would exempt city and town fire apparatus, rescue vehicles and vehicles used for law enforcement from the payment of state motor fuel tax. Finance

H-7575 EYEWITNESS IDENTIFICATION (Williamson & Others) This act would improve the reliability and accuracy of eyewitness identification in criminal cases. Judiciary

H-7582 DEATH BENEFIT TO FIREFIGHTERS AND POLICE OFFICERS (Ajello & Others) This act would add new language to describe domestic partners to be eligible to collect a death benefit. Judiciary

H-7588 MEDICAL MARIJUANA ACT (Slater & Others) This act would protect patients with debilitating medical conditions, and their physicians and primary caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of marijuana. H.E.W.

S-2177 BENEFITS FOR FIRE FIGHTERS (Lanzi & Others) This act would provide benefits to fire fighters for various forms of cancer and respiratory diseases. Commerce, Housing & Municipal Government

S-2178 NFPA 1500 (Lanzi & Others) This act would establish a NFPA 1500 Implementation Plan Review Committee, and would also provide penalties for the failure by a fire department to provide a written plan to implement the requirements of NFPA 1500. Commerce, Housing & Municipal Government

S-2227 CUSTODIAL INTERROGATIONS (Perry & Others) This act would require the recording and preservation of interrogations conducted by law enforcement agencies where the individual subject to interrogation may, if convicted, be sentenced to life imprisonment. Judiciary

S-2229 EYEWITNESS IDENTIFICATION (Perry & Others) This act would improve the reliability and accuracy of eyewitness identifications in criminal cases. Judiciary

S-2245 NURSING HOME PATIENTS (Lanzi & Others) This act would require nursing home administrators to report abuse of residents to the state police or the police department of the municipality where the abuse occurred. Judiciary

S-2250 AGGRESSIVE DRIVING (Algieri) This act would add laned roadway violations to the list of traffic offenses to be considered under the state's aggressive driving law. Judiciary

S-2289 LIE DETECTOR TESTS (Blais & Breene) This act would allow lie detector tests to be administered by law enforcement agencies to persons applying for employment as law enforcement officers or to other individuals in connection with criminal investigations conducted by law enforcement officers. Labor

S-2303 ELECTRONIC COMMUNICATIONS SERVICE PROVIDERS (Breene) This act would provide law enforcement officials with the authority to obtain noncontent information from internet service providers pursuant to an administrative subpoena authorized by a chief of police, superintendent of state police, or the director of the

statewide fugitive task force that is needed to investigate or prosecute a crime. Financial Services, Technology & Regulatory Issues

RETIREMENT

H-7492 TEACHERS' RETIREMENT (Lewiss & Others) This act would allow retired teachers to withdraw their contributions to the teachers' survivor benefit fund for a 90-day period from the effective date of this act. Finance

H-7493 TEACHERS' RETIREMENT (Lewiss & Others) This act would increase a deceased teacher's spouse's monthly minimum benefit by 25%. It would compel a change in the employee and employer contributions if the asset to liability funding ratio for the teachers' survivor benefit plan decreases below 120%. Finally, a mandate that the retirement board cause a study and review of the teachers' survivor benefit fund to be completed every 2 years instead of every 5 years. Finance

H-7525 RETIREMENT OF MUNICIPAL EMPLOYEES (Winfield & Petrarca) This act would repeal the provisions allowing a municipality or any of its departments and agencies to withdraw from the retirement system. Finance

TOWN & CITY CLERKS

H-7362 REAL ESTATE DEEDS (Amaral & Others) This act would require all real estate deeds to contain the post office address and tax assessor's plat and bt of the property being conveyed. In addition, it would require the city/town clerks to refuse to accept for recording any deed that does not contain the required information. Judiciary

H-7569 MARRIAGE LICENSES (Reilly & Others) This act would require that parties be tested for certain infectious diseases prior to being issued a license to marry. Judiciary

H-7571 SAME SEX MARRIAGE (Reilly & Others) This act would prohibit same sex marriages in the state, and would prohibit the state from recognizing a relationship between persons of the same sex as a marriage. Judiciary

S-2282 MARRIAGE LICENSES (Parella) This act adds, amends and repeals certain sections of the General Laws regarding marriage licenses. It repeals sections 15-2-6 and 15-2-10; it adds 15-2-1.1 regarding the statewide electronic marriage license system; and amends Section 15-3-12 regarding the endorsement and return of the marriage license. Health & Human Services

MISCELLANEOUS

H-7387 PUBLIC RECORDS (Dennigan & Others) This act would modify the definition of public records in the open records law to prevent the disclosure of records that would constitute clear unwarranted invasion of privacy or which are exempt by statute. Judiciary

H-7389 PUBLIC RECORDS (Dennigan & Others) This act would amend the access to public records law by expanding circumstances when an award of attorney's fees may be made, and by mandating that most requests for the search and retrieval of public records be complied with within 10 days of the request. This act would also require law enforcement agencies to adopt written policies which comply with the public records law. Judiciary

H-7507 ACQUISITION OF LAND (Lima & Others) This act would limit the state municipalities and their subdivisions from using condemnation proceedings to benefit a private party at the expense of another private party, and would limit private ownership in any such taking to 20% or less. Judiciary

H-7538 PARKING CASH-OUT PROGRAMS (Ajello & Others) This act would provide for employer-sponsored parking subsidy programs which give the employee the option of receiving subsidized parking or a monthly transit pass. The act would allow cities and towns to grant appropriate reductions in parking requirements otherwise applicable to new and existing commercial developments that implement parking cash-out programs for those developments. Corporations

H-7564 INSPECTOR GENERAL (Reilly) This act would establish the office of inspector general as an independent administrative agency charged with the purpose of preventing and detecting fraud, waste and abuse, and mismanagement in the expenditure of public funds. Finance

H-7572 ABATEMENT OF NUISANCES (Coderre & Others) This act would add and amend certain sections relative to the abatement of nuisances. Judiciary

H-7578 PUBLIC RECORDS (Reilly & Corvese) This act would provide that any person or entity in possession of information, records or documents relating to a minor child would provide access to the information, records or documents to the minor's parent or legal guardian. Judiciary

S-2226 ABATEMENT OF NUISANCES (McCaffrey & Others) This act would revise the procedures for the abatement of nuisances. Judiciary

S-2253 ACQUISITION OF LAND (Blais & Breene) This act would correct certain technical defects in the state's statutory condemnation procedures by eliminating archaic provisions. Judiciary

S-2267 PUBLIC EMPLOYMENT – MILITARY SERVICE (McBurney) This act would provide that any national guard or reserve members who have applied for a position in state, city, or town government, and cannot complete the selection process because he/she is called to active duty for 180 days or more, shall not be disqualified from consideration on the basis of not completing the selection process. He/she may complete the process after discharge from active duty. Finance

S-2273 PARKING CASH-OUT PROGRAM (Tassoni & Others) This act would provide for employer-sponsored parking subsidy programs which give the employee the option of receiving subsidized parking or a monthly transit pass. This act would allow cities and towns to grant appropriate reduction in parking requirements otherwise applicable to new and existing commercial developments that implement parking cash-out programs for those developments. Commerce, Housing & Municipal Government

S-2293 DAM MANAGEMENT DISTRICTS (Bates & Blais) This act would authorize cities and towns of the state to adopt ordinances creating management districts for dams, the boundaries of which may include all or part of a city/town as specified by the ordinance. Environment & Agriculture

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